

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1061 of 2017

IN

Civil Writ Jurisdiction Case No. 14475 of 2013

=====

Umesh Prasad Gupta, S/O Sri Dawarika Prasad Gupta, Resident of Village & P.O. Mahuawan, P.S. Chhauradano, District- East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar, through Sri R. P. Gupta, Principal Secretary, Food & Consumer Protection, Government of Bihar, Patna.
2. Shri Pankaj Kumar, Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R-Block, Road No. 2, Patna- 800001.
3. Shri Pankaj Kumar, Managing Director, Bihar State Food & Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R-Block, Road No. 2, Patna- 800001.
4. Shri Pramod Kumar, District Manager, State Food Corporation, Motihari, East Champaran.
5. Shri Md. Iqbal, Assistant Officer, Bihar Food & Civil Supplies Corporation Limited, Motihari, East Champaran.

.... Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Adv. Mr. Vishal Vikram Rana, Adv.
For the Respondent-State	:	Mr. Vishwambhar Pd. AC to AAG 5
For the Respondent-SFC	:	Mr. Shailendra Kumar Singh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 28-03-2018

Heard Mr. Vishal Vikram Rana, learned counsel appearing for the petitioner, Mr. Vishwambhar Prasad, learned Assisting Counsel to Additional Advocate General No.5 for the State and Mr. Shailendra Kumar Singh, learned counsel appearing for the Corporation.

The petitioner raised his claim for margin money to the tune of Rs.16,36,002.55 in CWJC No.14475 of 2013. Vide judgment and order passed on 1.3.2016 this Court taking note of the grievance raised, disposed of the writ petition with a direction to the District Manager to consider the claim of the petitioner and dispose of the same by a speaking order in



accordance with law to be passed within a period of 3 months of receipt/production of a copy of the order.

Since the judgment and order of this Court was not complied that the present contempt application was filed and it is in the light of the order passed in the present proceeding on 7.3.2018 that a show cause is filed by the Corporation enclosing a reasoned order bearing Memo No.225 dated 19.3.2018 of the District Manager, State Food Corporation, Motihari justifying the recovery of the amount which is the subject matter of claim.

The petitioner is not satisfied by the reasons assigned for such recovery but then for such dispute the forum is different and not the contempt proceeding. The petitioner, if so aggrieved, may take recourse for questioning the legality of the order enclosed at Annexure ‘A’ to the show cause before an appropriate forum by filing an appropriate application.

With the observation above, the contempt application is disposed of.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31-03-2018
Transmission Date	NA

